

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JEFFREY M. HENRY,

Plaintiff,

-against-

5:10-CV-00109 (LEK/VEB)

MICHAEL J. ASTRUE, Commissioner
of Social Security,

Defendant.

ORDER

This matter comes before the Court following a Report-Recommendation filed on March 22, 2012 by the Honorable Victor E. Bianchini, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and Northern District of New York Local Rule 72.3(d). Dkt. No. 16 (“Report-Recommendation”).

Within fourteen days after a party has been served with a copy of a magistrate judge’s report-recommendation, the party “may serve and file specific, written objections to the proposed findings and recommendations.” FED. R. CIV. P. 72(b); N.D.N.Y. L.R. 72.1(c). “If no objections are filed . . . reviewing courts should review a report and recommendation for clear error.” Edwards v. Fischer, 414 F. Supp. 2d 342, 346-47 (S.D.N.Y. 2006) (citations omitted).

Here, no objections have been raised in the allotted time with respect to Magistrate Judge Bianchini’s Report-Recommendation. After examining the record, the Court has determined that the Report-Recommendation is not subject to attack for clear error or manifest injustice.

Accordingly, it is hereby:

ORDERED, that the Report-Recommendation (Dkt. No. 16) is **APPROVED** and

ADOPTED in its **ENTIRETY**; and it is further

ORDERED, that Defendant's Motion for judgment on the pleadings (Dkt. No. 13) is **DENIED**; and it is further

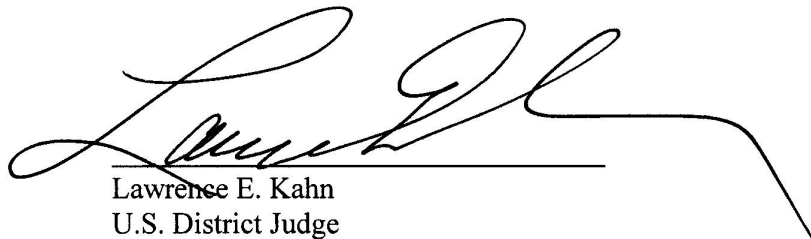
ORDERED, that Plaintiff's Motion for judgment on the pleadings (Dkt. No. 10) is **GRANTED**; and it is further

ORDERED, that this case is **REMANDED** for further administrative proceedings consistent with the Report-Recommendation (Dkt. No. 16); and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: May 10, 2012
Albany, New York



Lawrence E. Kahn
U.S. District Judge